United Nations A/HRC/30/NGO/51

General Assembly

Distr.: General
3 September 2015

English only

Human Rights Council
Thirtieth session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-14946(E)

Please recycle

Nepal: freedom of religion or belief should be protected in the most recent draft bill of the constitution

Nepal is in the process of adopting a new constitution as the most recent draft is submitted to the second Constitution Assembly (CA). Pax Romana and its' 75 partner civil society and faith-based organizations in Nepal[1] would like to welcome the finalization and the adoption of Nepal's Constitution. However, we draw an urgent attention of this Council towards the continuing issue of religious freedom and belief remains one of the most contentious issues throughout the Constitution-making process. Section 26-3 of the proposed constitution bill criminalizes "any act to convert another person from one religion to another". This provision denies the fundamental human right freedom of conscience.

We urge this Council's attention to this section of the Constitution considering its possible adverse impact on the multi-cultural Nepalese society[2]. We firmly believe that the right to freedom of religion or belief, as defined by international

[1] Other 75 local organizations in Nepal that participated in the drafting of this report include:
Abiral-The Arts Groups, Advocates-Nepal, Asian Resource Foundation (ARF) Nepal, Asian Academy for Peace Research And Development (AAPRD), Association of Youth Organization Nepal (AYON), Awareness Group Oppressed Women (AGOW)-Nepal, Centre For Karnali Rural Promote & Development Society (CDS-Park), Chandra Jyoti Integrated Rural Development Society (CIRDS), Child Society Nepal(CS Nepal), Children's Partner CAP Nepal, Cooperation for Integral Social Development Nepal (CISD), Community Development Support Society (CDSS) Nepal, Community Development Forum Nepal (CDFN), Chelibeti Club, Community Managed Disastter Risk Reduction (CMDRR) Forum, Community Women Welfare Multi-Proposed Co-operative Organization – Nawalparasi, Concern Centre for Rural Youth (CCRY), Cooperation for integrated Social Decelopment (CISD) , Dalit Alliance for Natural Resource Nepal (DANAR), Development Concern Society (DECOS), District Youth Club Network (DYCN), DivyaYuva Club(DYC), Eco-Social Development Organization (ESDO-Nepal), E-Nepali Khabar, Environment Conservation Centre (ECC)-Kathmandu, Environmental Law Committee (ELC), Nepal Bar Association (NBA), Family of God Church (FGC), Farwest Multipurpose Center(FWMF), Federation of Democratic NGO Nepal (FEDEN), Feyvina Foundation, Forest Environment Workers Union Nepal (FEWUN) Forum For National Building (FFNB), Forum for Women Development (FWD), Foundation for Maternal and Child Health (FMCH)-Nepal, Good Governance Protection Forum (GGPF), Good Neighbors International (GNI), Human Development and Community Services (HDCS), Human Rights and Rural Environment Protection Centre (HUREC)-Nepal, Indoor Smoke Alleviation & Environment Protection Forum (ISAEPF)-Nepal, Institute for Theological Education by Extension in Nepal (ITEEN), Integrated Rural Development Society (IRDS), Jagriti Child and Youth Concern Nepal (JCYCN), Jagriti Child Club Nepal (JCCN), Micah Network Nepal (MNN), National Forum for Advocacy Nepal (NAFAN), National Human Development Forum (NHDF), Nepal Bishwobidhyalaya Christia Bidhyarthi Sangati (NBCBS) Nepal Christia Samaj Nepal Church (NC), Nepal Ebenezer Bible College (NEBC), Nepal Friendship Society Chitwan (NFSC)-Nepal, On-line Civil Society News (CSN), Participatory Rural Development Programme (PRDP), Partnership for Poverty Action (PFPA), Patan Community Based Rehabilitation(CBR), Pax Romana-Nepal, Pravasi Nepali Coordination Committee (PNCC), Protection Nepal, SAMATA foundation, Samata Nepal, Sharada Media Sangam (SMS), Social Improve Service Forum (SISEF)-Nepal, Social or Environmental Issue Face Center (SEIFC), Society for Environment Agriculture and Prosperity (SEAP)-Nepal, Sustainable Community Development Centre (SCDC), System Development Service Centre (SDSC), Transformation Nepal (TFN), Unification Nepal (UN), United Youth for World Peace (UYWP), Women Peace Society (WPS), Humla Volunteer Aid (VAID)-Nepal, Youth Campaign For Social Change (YCSC), Youth Network Doti (YND), Youth Network for Peace and Development (YNPD), Youth Partnership for Development and Peace (YPDP)-Nepal, Yuwalaya.

[2] Though the Interim Constitution (IC) 2007 has identified Nepal as Federal Democratic Republic, this and the structure of Federalism will only be institutionalized once the new constitution drafting is complete. Until then the IC 2007 is the key legal instrument. IC 2007 has declared the nation as" a multi-ethnic, multi-lingual, multi-religious, multi-cultural ....." This statement accepts the identity of more than one religion. Further the national census 2011 also reports the presence of various religious groups

standards, is a wide-ranging right covering a large number of distinct yet interrelated issues. We draw the attention of this Council that the proposed New Constitution should be in harmony with the international standards and the international legal instruments as Nepal is party to 20 international human rights conventions[3], and ask pertinent questions to the Government of Nepal about compliance of those international legal instruments in Nepal.

We remind this Council that there are no legal registration procedures for minority religious groups in Nepal thus restricting them from legally owning land and properties of other forms including burial sites. Religious minority groups such as Christian have to register their Churches as NGOs. While in other hand majority, religions such as Hindu can register their temple as religious trusts (Guthi). Having no legal registration also prevents minority religious community to get funding and other form of supports from the state. Furthermore, members of non-Hindu religious groups lack representation in top political and government positions. Mostly priorities in government appointments is given to Hindus. And we have also received the reports that people of religious minorities such as Buddhist monks or Muslims are harassed by the police and bureaucrats due their appearance, language, dress, etc. In addition, Civil Servants (Nepal Army and Police) are not allowed to observe the religion of their choices, but forced to participate in Hindu religious ceremonies/functions thus compelling them to voluntarily resign and many times opting for not getting employed in them. Disregarding of the Constitutional declaration of Nepal as a secular state, discriminatory laws against minority religions are still enforced.[4]

There are some recent incidents where the authority has shown its ignorance or serious human right violation against minority religious groups:

- In March 2012, police detained two Buddhist/Hindu Tamang youths in Lalitpur for slaughtering a cow and locals vandalized their home. In fact, Tamangs eat Cow by their ethnic culture.
- In June 2014, Pastor Mahesh Thanju along with 39 members of his Church was arrested and taken into custody for 3 days in Sundarijal for baptizing 24 adults who voluntarily wished to become Christian.
- On February 26, 2014: Mrs. Dil Shova, a Christian social worker running an orphanage and an old-age home, was accused of sexually exploiting the people under her care and converting the orphans to Christianity.[5]
- In August 2015, a group of religious minorities organized a peaceful rally in Butuwal town of southwest Nepal, with banners, demanding secular state. The photograph of two women holding a banner in the front row were edited by Photoshop and were accused as if they are demanding for prostitution business in the name of Church by Hindu Yuwa Sangh. Photo was published on Facebook. However, no action was taken even after filing complain.
- At night on 25 August 2015, a Christian group of Thrau; one of the oldest tribal groups in Terai region of Nepal, together with their Pastor Chaudhary were badly beaten by the security forces. Local Churches in Kailali remained under terror created by the government at the moment.

---

mainly Christians 1.42%, Islam 4.39%, Kirat 3.05%, Buddhist 9.04% and Hindu 81.34%. As a large portion of the population is Hindu the other religions represent the minority. These minority religions stand at a critical crossroad concerning the freedom to express and to propagate ones religion or faith.

[3] Nepal is the co-signatory of International Covenant on Civil and Political Rights (ICCPR), the Article 18 of which clearly states "ones freedom to practice ones religion". The article 18.4 of the ICCPR gives parents and legal guardians the liberty to ensure religious and moral education to their children in conformity with their own faith. However, the managers of orphanages and children homes run by Christians and other minority religious groups are often accused of proselytizing the children for teaching them to pray and participate in religious functions. Nepal thus commits in theory to promote religious freedom in the country, yet the protection of this very fundamental right is not guaranteed equally to all citizens of Nepal. And the contentious issue of Freedom of Religion or Belief was not deliberately reported from the Government of Nepal during the first Universal Periodic Review (2011), although many treaty bodies had given intentional recommendations on the issue.

[4] Tanka Subedi's presentation in a sideevent of 23nd Session Human Rights Council in Geneva WEA on 18 September 2014. http://worldea.org/news/4475/political-changes-in-south-asia-threaten-people-of-faith-wea-co-sponsors-event-at-human-rights-council-in-geneva (cited on 29th January 2015, 14:25).

[5] http://setopati.com/chapa-bata/8878/

We would like to remind this council, there are evidences to suggest that heavy restrictions imposed upon freedom of religion and expression encourages serious instability in society by encouraging radical elements of dominant religious groups to marginalize and persecute members of religious minorities.

We further ask the UN Human Right Council to call upon the government of Nepal:

- To ensure Nepal as a secular country where the state maintains equal treatment to religious groups,
- To make sure the amendment of clause 26 of our new constitutions allows everyone to have:

a. Freedom to choose any religion or belief of his/her choice,
b. Freedom to voluntarily convert from one faith to another,
c. Freedom to manifest one's faith (worship, observe, practice and teach) individually or collectively, both in public or private,

- To provide legal procedures to have minority religious community to profess, practice and to possess own properties,
- To acknowledge the religious institutions that are in the country practices,
- To invite Special Rapporteur of Freedom of Religion or Belief to monitor the situation